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C O N F I D E N T I A L BANDAR SERI BEGAWAN 000531

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DEPARTMENT FOR EAP/MTS AND IO/UNP

E.O. 12958: DECL: 10/20/2016

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SUBJECT: BRUNEI SHARES OUR CONCERN ABOUT UN DECLARATION ON
THE RIGHTS OF INDIGENOUS PEOPLES

REF: SECSTATE 169257

Classified By: DCM Justin Friedman, reasons 1.4 (b) & (d)

11. (SBU) DCM delivered reftel demarche together with the Australian DCM on October 19 to Florence Chong, Assistant Director for International Organizations, Ministry of Foreign Affairs and Trade. We were forced to wait until the 19th because the Australian Embassy in Brunei did not receive instructions until the 18th.

12. (C) Chong responded that she agreed with all our major points about the draft Declaration on the Rights of Indigenous Peoples. Emphasizing that she was speaking personally, she said that she was concerned that the draft text was highly proscriptive, dictating actions by governments without taking into account local conditions. She said that the text would be reviewed by MFAT legal experts and the Attorney General's office, and that she anticipated that they would object in particular to the draft elements that challenge the sovereignty of national governments over their subjects. NOTE: Chong is well informed about UN issues and a key voice in formulating the GoB positions at UNGA and in UN committees. END NOTE.

13. (C) Chong noted that Brunei law declares that seven ethnic groups, including the majority Malay people, are indigenous. Thus, it would be hard to say what impact the declaration would have if passed in its current form. That said, Chong shared U.S. and Australian concerns about the precedent this declaration could set and noted particularly our point that this declaration could restrict the ability of states to govern for the common good.
SKODON